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SB 2440-78

RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL

Statement for the
Senate Committee on Ecology, Environment and Recreation
Public Hearing 21 February 1978

by

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SB 2440 would provide the Office of Environmental Quality Control with certain powers and responsibilities in the Environmental Impact Statement System. This statement on the bill does not reflect an institutional position of the University.

The present State EIS system is a decentralized one, as is the federal EIS system and the EIS systems of most states. Environmental assessments of projects are prepared by proposing and approving agencies. EIS preparation responsibilities rest on the proposers of the projects. EIS acceptance authority rests with the governor or the mayors in the case of agency projects, and approving agencies in the case of private projects. The principal responsibilities of the EQC are to set up the EIS system through its regulations, to manage the public notification scheme in the system, and to be available for certain appeals.

SB 2440 would provide additional centralization by placing certain powers and responsibilities in the Office of Environmental Quality Control (OEQC). Some of these powers and responsibilities now rest with the Environmental Quality Commission (EQC). Others are not now centered in any single agency.

The powers and responsibilities that are now dispersed are the following:

- i) Power of approval over all determinations whether EIS's are required for individual projects;
- ii) Responsibility jointly with the proposing agencies for responding to review comments on EIS on agency projects;

- iii) Responsibility for making recommendations as to the acceptability of all agency EIS's;
- iv) Power of acceptance on all applicant EIS's; and
- v) Power and responsibility to consider appeals on determinations as to the acceptability of applicant actions.

HB 1999-78 would provide these same powers and responsibilities to the EQC, but as we have pointed out in comments on that bill, the EQC is much less well equipped than the OEQC to handle them from a technical standpoint or as expeditiously as is necessary. The EQC, we recognize, is well constituted to represent public opinion on subjective **aspects** of EIS's. However, the Environmental Council, which advises the OEQC also represents public opinion.

The powers and responsibilities that SB 2440 would transfer from EQC to OEQC are the following:

- i) Receiving EIS's;
- ii) Providing information to the public concerning the availability of EIS's;
- iii) Determining, in case of question, which agency shall be involved with the handling of an applicant's EIS.

If these powers and responsibilities are transferred from the EQC to the OEQC, the EQC will be left with only the power and responsibility to establish and amend the rules and regulations under which the system operates. It would seem sensible in this case to transfer the duty and responsibilities with respect to the rules and regulations to the Environmental Council, which advises the OEQC, and to discharge the EQC.